

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	Criminal No. 1:07CR209
v.	)	
	)	Hon. T.S. Ellis, III
WILLIAM J. JEFFERSON,	)	
	)	Motions Hearing: May 8, 2009
Defendant.	)	

**GOVERNMENT’S NOTICE REGARDING  
PENDING LETTER ROGATORY TO NIGERIA**

The United States, by and through the undersigned counsel, files this notice regarding the Court’s pending Letter Rogatory to the Federal Republic of Nigeria. On January 23, 2009, the Court issued an Order granting in part, deferring in part, and denying in part the defendant’s motion to take depositions of former Vice President of Nigeria, Atiku Abubakar, and Suleiman Yahyah, pursuant to Rule 15(a) of the Federal Rules of Criminal Procedure. Dkt. Entry No. 284. In particular, the Court ordered:

[A] letter rogatory will issue directly to the Supreme Court of Nigeria and the Federal High Court of Nigeria and will also be sent to the United States Department of State for transmittal to the appropriate judicial authority in Nigeria. The letter rogatory will request the appropriate Nigerian judicial authority to examine Mr. Abubakar and Mr. Yahyah by written interrogatories regarding (i) whether they would waive their Fifth Amendment rights if compelled to appear at a deposition in this matter in Nigeria; (ii) whether, at defendant’s expense, they would travel to the United States to provide live testimony at defendant’s trial; and (iii) whether they would testify fully and truthfully if compelled to appear at a deposition in this matter in Nigeria.

*Id.* ¶ 1. The Court deferred further ruling on the defendant’s motion to take the depositions of Messrs. Abubakar and Yahyah until “sixty days from the issuance of the initial letter rogatory” at which time the Court would examine the defendant’s motion “in light of the responses received, if any.” *Id.* ¶ 2. The Court issued the letter rogatory the same day – January 23, 2009 – and forwarded a copy to the U.S. Department of State. Dkt. Entry Nos. 283, 286.

After the issuance of the above-referenced Order, the undersigned, through the Department of Justice’s Office of International Affairs, requested that the U.S. Department of State ensure that the Court’s letter rogatory receive expedited attention. On or about February 5, 2009, the U.S. Embassy in Nigeria delivered the above letter rogatory via a diplomatic note to the Ministry of Foreign Affairs for the Federal Republic of Nigeria.

Around the time when the sixty period was about to expire, the undersigned asked that the Office of International Affairs have the U.S. Embassy make further inquiry of the status of the Court’s letter rogatory. On or about April 23, 2009, a U.S. Embassy official was informed by the Ministry of Foreign Affairs that, while the Ministry apologized profusely, the Ministry appeared to have misplaced the earlier request. A second copy was hand-delivered by the U.S. Embassy to the Ministry of Foreign Affairs on or about April 29, 2009.

As of today, the U.S. Embassy has received no further word from the Ministry of Foreign Affairs. It has been 105 days since the Court issued the letter rogatory, and it has been 92 days since the U.S. Embassy first delivered that letter rogatory to the Ministry of Foreign Affairs.<sup>1</sup>

Respectfully submitted,

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United States Attorney

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<sup>1</sup> Incidentally, the undersigned have been informed that there exist letters rogatory in other matters that have been pending since 2007 upon which no action has yet been taken by Nigerian authorities.

/s/

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**CERTIFICATE OF SERVICE**

Because this matter is being filed under seal, I certify that on the 7th of May, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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